

WOMBLE
CARLYLE
SANDRIDGE
& RICE
A PROFESSIONAL LIMITED
LIABILITY COMPANY



Seventh Floor
1401 Eye Street, N.W.
Washington, DC 20005

Telephone: (202) 467-6900
Fax: (202) 467-6910
Web site: www.wcsr.com

Jennifer M. Kashatus
Attorney
Direct Dial: (202) 857-4506
Direct Fax: (202) 261-0006
E-mail: JKashatus@wcsr.com

May 30, 2008

VIA HAND DELIVERY

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

FILED/ACCEPTED

MAY 30 2008

Federal Communications Commission
Office of the Secretary

Re: Sprint Petition to Discontinue Transport 900 Service Under Section 63.71

Dear Ms. Dortch:

Jartel, Inc. ("Jartel"), through its undersigned counsel, respectfully opposes Sprint's proposed discontinuance of its Transport 900 product, and submits that the Commission must prevent Sprint from discontinuing Transport 900 until after the Commission has afforded public notice and comment on the same.

By letter to Jartel dated April 30, 2008, Sprint stated that it intended to discontinue Transport 900 as of July 31, 2008.¹ Sprint stated that any objections must be made to the Commission within thirty (30) days of the date of Sprint's letter referencing Sprint's § 63.71 application. Although the Commission has not yet put Sprint's petition on public notice, Jartel is notifying the Commission of its objection at this time.

As an initial matter, the Commission must prohibit Sprint from unilaterally discontinuing Transport 900 on July 31, 2008. Instead, Sprint must not take any action to discontinue the product until after the Commission has afforded interested parties notice of the petition and an opportunity to comment thereon, and has fully evaluated any and all comments in response to that petition.

Moreover, the Commission must reject Sprint's petition to terminate Transport 900, because there are not any viable nationwide alternative service providers and terminating the service would threaten Jartel's livelihood. Under section 63.71 of the Commission's rules, 47 C.F.R. § 63.71, the Commission will not authorize the proposed discontinuance if it is "shown that customers would be unable to receive service or a reasonable substitute from another carrier

¹ See Letter to Jartel, Inc. from Dave Falter, WSG Sales, Sprint (Apr. 30, 2008) (provided as Attachment 1).

or that the public convenience and necessity is otherwise adversely affected.”² In the present case, Jartel is unable to obtain substitute nationwide service from another provider. In November 2003, the Commission issued an order granting AT&T’s petition to cease providing a similar 900 service.³ If the Commission were to grant Sprint’s petition, Jartel would not have a viable nationwide alternative provider.

Jartel’s business also will be threatened if the Commission permits the proposed discontinuance. Jartel, a service bureau, has obtained 900 service from Sprint for approximately 18 years, and certain of Jartel’s customers have used the same 900 numbers for that time period. If interested callers are unable to reach the 900 numbers that they have been accustomed to dialing for years, and instead reach a recording that the number no longer is in service, then those customers inevitably would be detrimentally affected, in turn, compromising Jartel’s own operations.

Therefore, if the Commission intends to grant Sprint’s petition, then it (1) must require Sprint to transfer their 900 NPA/NXXs to another carrier, and (2) must prohibit Sprint from discontinuing Transport 900 until fourteen months after the Commission’s order. When permitting AT&T to discontinue service, the Commission did not require it to transfer the 900 blocks to another carrier so that the customer could continue to use those same numbers without any service disruptions. Absent a requirement to do so, AT&T refused to transfer the 900 NPA/NXXs to another provider, and essentially placed each number in disconnect status. As a result, callers to the 900 number reached a recording simply noting that the telephone number was not in service. This discontinuance, particularly when these telephone numbers were running in current advertisements and in the yellow pages, substantially threatened companies’ operations and caused companies to lose substantial revenue since their callers had assumed that they had gone out of business. Accordingly, the Commission must require Sprint to transfer the 900 number blocks to another carrier so that their customers can attempt to continue to use those telephone numbers with as little disruption as possible.

The Commission also must require Sprint to maintain Transport 900 for at least fourteen months from the date of the Commission’s order. Jartel’s customers frequently advertise their 900 numbers for months, if not a full year, in advance. Many publications require customers to purchase six months of advertising, and companies placing adds in yellow pages do so fourteen months in advance (the yellow pages is valid for twelve months and there is a two-month lead time deadline). If the Commission permits Sprint to discontinue Transport 900 prior to 14 months, then it is inevitable that customers will reach disconnected numbers, thus harming their business operations.

For the foregoing reasons, Jartel respectfully requests that the Commission deny Sprint’s petition to discontinue service. If the Commission grants Sprint’s petition, then it must condition

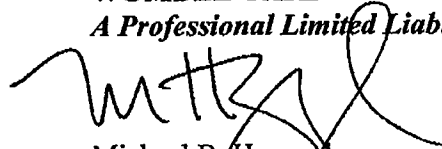
² 47 C.F.R. § 63.71.

³ See *AT&T Communications’ Application to Discontinue Telecommunications Services*, DA 03-3743 (Nov. 21, 2003).

the grant on requiring Sprint (1) to transfer the telephone numbers to another carrier (or carriers), and (2) to maintain the service for at least fourteen months from the date of the Commission's order.

Respectfully submitted,

WOMBLE CARLYLE SANDRIDGE & RICE
A Professional Limited Liability Company



Michael B. Hazzard
Jennifer M. Kashatus

cc: Rodney McDonald

ATTACHMENT A

Sprint



Sprint Nextel

Customer Care
877-877-8748

Together with NEXTEL

April 30, 2008

Jartel, Inc.
4008 Taylor St. - Ste 201
San Diego, CA 92110

Dear Jartel,

At Sprint, we truly value your business, and we are always striving to meet your needs with innovative products and services.

Sometimes, however, we find it necessary to discontinue a particular product Sprint offers. We want to inform you that Sprint will no longer offer the Transport 900 product to our customers effective July 31, 2008. As a result, Sprint is terminating its contract with you under section VIII(A) with 90 days' prior written notice. Your August 2008 invoice for July usage will contain the final Transport 900 usage charges. All other services that Sprint provides to you will not be impacted.

The Federal Communications Commission (FCC) will normally authorize this proposed discontinuance of service unless it is shown that customers would be unable to receive service or a reasonable substitute from another carrier or that the public convenience and necessity is otherwise adversely affected. If you wish to object, you should file your comments within 30 days after receipt of this notification. Address them to the Federal Communications Commission, Washington, DC 20554, referencing the §63.71 Application of Sprint. Comments should include specific information about the impact of this proposed discontinuance upon you or your company, including any ability to acquire reasonable substitute service.

Once again, Sprint apologizes for any inconvenience you may experience due to this discontinuation. Your business is important to Sprint, and we look forward to serving your communication needs in the future.

Sincerely,

Dave Falter

Dave Falter, Director - WSG Sales